

Little Traverse Bay Bands of Odawa Indians Tribal Council
Tribal Court Room 1150 Bayview, Petoskey, MI 49770
October 21, 2001
Smudging 9:15 a.m.
9:30 a.m.

Executive Session: yes

Called to order: Meeting was called to order at 9:45.

Council present: Chairman Gerald V. Chingwa, Vice-Chairman George Anthony,
Secretary Fred Harrington Jr., Treasurer Alice Yellowbank, Councilor Janet Shomin,
Councilor Rita Shananaquet, Councilor Bea Law

Council absent: none

Staff present: See attached list

Guests: See attached list

Motion made by Vice-Chairman George Anthony and supported by Councilor Beatrice A. Law to accept the agenda as amended for October 21, 2001.

Vote: 7 Yes 0 No 0 Abstained 0 Absent

Motion carried

Motion made by Treasurer Alice Yellowbank and supported by Vice-Chairman George Anthony to postpone the approval of the minutes Sept 23 2001 until the meeting November 4, 2001.

Vote: 6 Yes 1 No (Councilor Beatrice A. Law) 0 Abstained 0 Absent

Motion carried

Motion made by Councilor Janet Shomin and supported by Councilor Beatrice A. Law to approve the minutes of October 7, 2001 as corrected.

Vote: 7 Yes 0 No 0 Abstained 0 Absent

Motion carried

Motion made by Treasurer Alice Yellowbank and supported by Councilor Rita Shananaquet to accept into the record the phone poll dated October 11, 2001 to approve a draft letter to Alan Ginsburg.

Vote: 7 Yes 0 No 0 Abstained 0 Absent

Motion carried

Motion made by Treasurer Alice Yellowbank and supported by Secretary Fred Harrington Jr. to record into the record that the phone poll of October 11, 2001 passed, 4 yes, 1 no (Secretary Fred Harrington Jr.), 1 absent.

Vote: 7 Yes 0 No 0 Abstained 0 Absent

Motion carried

Motion made by Councilor Rita Shananaquet and supported by Vice-Chairman George Anthony to accept the Tribal Administrator's verbal and written report dated October 21, 2001.

Vote: 7 Yes, 0 No, 0 Abstained, 0 Absent

Motion carried

Motion made by Councilor Janet Shomin and supported by Councilor Rita Shananaquet to allow the Tribal Governmental offices to close from 5:00 pm Friday December 21, 2001 and reopen 8:00 am Wednesday January 2, 2002, and allow December 26, 27, 28, 2001, as paid time off for the governmental employees.

Vote: 7 Yes, 0 No, 0 Abstained, 0 Absent

Motion carried

Motion made by Councilor Janet Shomin and supported by Councilor Beatrice A. Law to designate Tribal Council Treasurer Alice Yellowbank and Education Director Melissa Claramunt as proofreaders of the Odawa Trails News Letter.

Vote: 7 Yes, No, 0 Abstained, 0 Absent

Motion carried

Motion made by Councilor Janet Shomin and supported by Secretary Fred Harrington Jr. to schedule Tribal Council work session for 2002 Tribal Budgets on November 17, 2001

Vote: 7 Yes, No, 0 Abstained, 0 Absent

Motion carried

11:39 am, recess called.

11:50 am, meeting reconvened.

11:50 am, public comment called, Francie Loper, Kathrine Boda, Rosemary Knapp, Eleanor Barber, Janet Shomin, Marie Boda, Deleta Smith, Danny Gasco, Peggy Hudson.

Tribal Chairman directive given to the Tribal Administrator to investigate complaints from elder housing residents, determine legal actions necessary to correct, make recommendations for actions necessary to prevent future similar disturbances.

12:31 pm, public comment closed.

12:32 pm, recess for lunch called until 1:30 pm

2:02 pm, meeting reconvened.

Motion made by Secretary Fred Harrington Jr. and supported by Councilor Rita Shananaquet to accept the Tribal Chairman's verbal and written report for October 21, 2001.

Vote: 7 Yes, 0 No, 0 Abstained, 0 Absent

Motion carried

Motion made by Councilor Janet Shomin and supported by Councilor Rita Shananaquet to adopt resolution # 102101-01, Opposition to South Fox Land Exchange.

Roll Call Vote: Chairman Gerald V. Chingwa- yes, Vice-Chairman George Anthony- yes, Treasurer Alice Yellowbank- yes, Secretary Fred Harrington Jr.- yes, Councilor Janet Shomin- yes, Councilor Rita Shananaquet- yes, Councilor Bea Law- yes

Vote: 7 Yes 0 No 0 Abstained 0 Absent

Motion carried

Motion made by Councilor Janet Shomin and supported by Vice-Chairman George Anthony to accept the verbal and written report from Gaming Administration as presented by Mr. Olsen the General Manager and C.F.O. Mr. Crowell.

Vote: 7 Yes, 0 No, 0 Abstained, 0 Absent

Motion carried

Motion made by Councilor Rita Shananaquet to place on the agenda for the next legislative meeting the markup for the Indian Child Welfare Act Statute.

Motion and support withdrawn

Tribal Chairman directed the Tribal Administrator to develop staffing policies to implement the Indian Child Welfare Act.

Tribal Chairman directed the Tribal Administrator to develop a job description and a plan to implement a grant writing and compliance program.

Motion made by Councilor Rita Shananaquet and supported by Councilor Janet Shomin for a work session markup and review of the Indian Child Welfare Commission Statute on November 17, 2001.

Vote: 7 Yes, 0 No, 0 Abstained, 0 Absent

Motion carried

Tribal Chairman directed the Tribal Administrator to work with the Tribal Planner to open the dock on Beaver Island.

Motion made by Vice-Chairman George Anthony and supported by Secretary Fred Harrington Jr. to offer to pay all trap net fisheries consultants the remainder of the monies due them by their agreements with the tribe, in a lump sum, when all LTBB property is secure and accounted for.

Vote: 7 Yes, 0 No, 0 Abstained, 0 Absent

Motion carried

4:12 pm, recess called.

4:23 pm, returned to session.

Motion made by Treasurer Alice Yellowbank and supported by Councilor Beatrice A. Law to approve Burial Fund Request #A0025 in the amount requested.

Vote: 7 Yes, 0 No, 0 Abstained, 0 Absent

Motion carried

Motion made by Treasurer Alice Yellowbank and supported by Vice-Chairman George Anthony to approve Burial Fund Request #A0026 in the amount requested.

Vote: 7 Yes, 0 No, 0 Abstained, 0 Absent

Motion carried

Motion made by Councilor Janet Shomin and supported by Treasurer Alice Yellowbank to approve \$1,473.95 to cover the cost of the Christmas Cards to come from the Enterprise Budget line item 5730 reproduction.

Vote: 7 Yes, 0 No, 0 Abstained, 0 Absent

Motion carried

Motion made by Councilor Janet Shomin and supported by Councilor Rita Shananaquet to approve \$526 as requested from Environmental Services Department to come from Enterprise Fund line item 5560, donations for food and beverage for L.T.B.B.O.I. Meeting, October 31 & November 1, 2001.

Vote: 7 Yes, 0 No, 0 Abstained, 0 Absent

Motion carried

Motion made by Councilor Rita Shananaquet and supported by Secretary Fred Harrington Jr. to appoint Taimi Hoag to the EPA region 5 Tribal Representative position by Resolution 102101-02.

Roll Call Vote: Chairman Gerald V. Chingwa- yes, Vice-Chairman George Anthony- yes, Treasurer Alice Yellowbank- yes, Secretary Fred Harrington Jr.- yes, Councilor Janet Shomin- yes, Councilor Rita Shananaquet- yes, Councilor Bea Law- yes

Vote: 7 Yes 0 No, 0 Abstained, 0 Absent

Motion carried

Grandmother's Wisdom staff introduction of counseling interns, Angie Woodin and Veronica Jung.

Motion made by Secretary Fred Harrington Jr. and supported by Councilor Beatrice A. Law to postpone action on the Gaming Regulatory Regulations until after the first work session in December.

Vote: 6 Yes, 1 No (Councilor Rita Shananaquet), 0 Abstained, 0 Absent

Motion carried

5:35 pm, recess called.

5:41 pm, meeting reconvened.

5:41 pm, public comment opened, none.

5:42 pm, public comment closed.

Motion made by Councilor Janet Shomin and supported by Councilor Rita Shananaquet to adopt resolution #102101-03 Memorandum of Understanding with U.S. Forest Service.

Roll Call Vote: Chairman Gerald V. Chingwa- yes, Vice-Chairman George Anthony- abstained, Treasurer Alice Yellowbank- yes, Secretary Fred Harrington Jr.- yes, Councilor Janet Shomin- yes, Councilor Rita Shananaquet- yes, Councilor Bea Law- yes
Vote: 6 Yes 0 No 1 Abstained (Vice-Chairman George Anthony) 0 Absent
Motion carried

Motion made by Secretary Fred Harrington Jr. not to adopt a prohibition on snagging fish.

Motion died

Motion made by Councilor Rita Shananaquet and supported by Councilor Beatrice A. Law to adopt Section 8.03 Restriction – Subsection I, addition to the Waganakising Odawak Statute Natural Resources Regulation of LTBB.

Vote: 5 Yes, 1 No (Secretary Fred Harrington Jr.), 1 Abstained (Vice-Chairman George Anthony), 0 Absent
Motion carried

Motion made by Councilor Janet Shomin and supported by Councilor Rita Shananaquet to correct 4.15 Subsection B. delete “or” from the second to last line in Waganakising Odawak Statute, Natural Resources Regulation of LTBB.

Vote: 7 Yes, 0 No, 0 Abstained, 0 Absent
Motion carried

Motion made by Treasurer Alice Yellowbank and supported by Councilor Rita Shananaquet to correct Section 8.02 Methods and Gear Restrictions, Subsection G. by adding “Until further biological assessments are completed, the list of designated lakes and streams are as follows; Lake Michigan, (pursuant to the Consent Decree) and Wycamp Creek.”

Vote: 6 Yes, 0 No, 1 Abstained (Vice-Chairman George Anthony), 0 Absent
Motion carried

Motion made by Councilor Janet Shomin and supported by Vice-Chairman George Anthony to approve Resolution #102101-04 in support of the ANA Grant application for CORA Strategic Planning Project.

Roll Call Vote: Chairman Gerald V. Chingwa- yes, Vice-Chairman George Anthony- yes, Treasurer Alice Yellowbank- yes, Secretary Fred Harrington Jr.- yes, Councilor Janet Shomin- yes, Councilor Rita Shananaquet- yes, Councilor Bea Law- yes
Vote: 7 Yes, 0 No, 0 Abstained, 0 Absent
Motion carried

Motion made by Treasurer Alice Yellowbank and supported by Councilor Beatrice A. Law to approve the contract as amended with Technology Consulting Associates in the amount of \$45,937.50 and authorize the Tribal Chairman to sign the contract.

Vote: 5 Yes, 2 No (Vice-Chairman George Anthony, Councilor Rita Shananaquet), 0 Abstained, 0 Absent
Motion carried

Motion made by Secretary Fred Harrington Jr. and supported by Councilor Beatrice A. Law to approve the use of the Cost Increase Request Form for the Administration Building Project.

Vote: 7 Yes, 0 No, 0 Abstained, 0 Absent
Motion carried

Motion made by Secretary Fred Harrington Jr. and supported by Treasurer Alice Yellowbank to approve Resolution # 102101-05 Creation of a Committee for Long Range Transportation Planning.

Roll Call Vote: Chairman Gerald V. Chingwa- yes, Vice-Chairman George Anthony- no, Treasurer Alice Yellowbank- yes, Secretary Fred Harrington Jr.- yes, Councilor Janet Shomin- no, Councilor Rita Shananaquet- no, Councilor Bea Law- no

Vote: 3 Yes, 4 No, 0 Abstained, 0 Absent,
Motion failed

Motion made by Secretary Fred Harrington Jr. and supported by Councilor Beatrice A. Law to place Creation of a Committee for Long Range Transportation Planning on the Legislative Calendar for consideration at the next meeting.

Vote: 6 Yes, 1 No (Councilor Rita Shananaquet), 0 Abstained, 0 Absent
Motion carried

Motion made by Treasurer Alice Yellowbank and supported by Councilor Rita Shananaquet to adopt the Zoning Ordinance.

Vote: 7 Yes, 1 No (Secretary Fred Harrington Jr.), 0 Abstained, 0 Absent
Motion carried

Motion made by Councilor Janet Shomin and supported by Secretary Fred Harrington Jr. to postpone action on the Legislative Procedures Act until after the work session of December 15, 2001.

Vote: 7 Yes, 0 No, 0 Abstained, 0 Absent
Motion carried

Motion made by Councilor Janet Shomin and supported by Councilor Beatrice A. Law to approve the Residential Lease of Tribal Owned Land.

Vote: 6 Yes, 0 No, 0 Abstained, 1 Absent (Councilor Rita Shananaquet)
Motion carried

Motion made by Councilor Janet Shomin and supported by Councilor Beatrice A. Law to approve the Underwriting Guidelines for LTBB Tribal Financing for 30 days pending review by Ken Mimmack.

Vote: 7 Yes, 0 No, 0 Abstained, 0 Absent
Motion carried

Motion made by Councilor Rita Shananaquet and supported by Secretary Fred Harrington Jr. to approve Resolution # 102101-05 to submit the Draft Constitution to the Bureau of Indian Affairs for formal review.

Roll Call Vote: Chairman Gerald V. Chingwa- yes, Vice-Chairman George Anthony- yes, Treasurer Alice Yellowbank- yes, Secretary Fred Harrington Jr.- yes, Councilor Janet Shomin- yes, Councilor Rita Shananaquet- no, Councilor Bea Law-yes

Vote: 6 Yes, 1 No, 0 Abstained, 0 Absent, with note from Chairman Gerald V. Chingwa, yes with objection to exclusion of 1/8 Blood Quantum.

Motion carried

Motion made by Councilor Janet Shomin to revert the enrollment criteria back to the criteria of the Interim Constitution.

Motion withdrawn

Motion made by Secretary Fred Harrington Jr. and supported by Treasurer Alice Yellowbank to refer all Tribal Council actions that affect enrollment blood quantum to referendum.

Vote: 2 Yes, 5 No (Chairman Gerald V. Chingwa, Vice-Chairman George Anthony, Councilor Beatrice A. Law, Councilor Janet Shomin, Councilor Rita Shananaquet), 0 Abstained, 0 Absent

Motion failed

Motion made by Councilor Rita Shananaquet and supported by Councilor Janet Shomin to place Waganakising Odawak Statute 1999005 on the legislative calendar.

Vote: 7 Yes, 1 No (Secretary Fred Harrington Jr.), 0 Abstained, 0 Absent

Motion carried

8:47 pm, Motion made by Councilor Beatrice A. Law and supported by Councilor Rita Shananaquet to go into Executive Session for legal and personnel.

Vote: 6 Yes, 1 No (Secretary Fred Harrington Jr.), 0 Abstained, 0 Absent

Motion carried

9:24 pm, Motion made by Vice-Chairman George Anthony and supported by Councilor Beatrice A. Law to go out of executive session.

Vote: 7 Yes, 0 No, 0 Abstained, 0 Absent

Motion carried

9:25 pm, Motion made by Vice-Chairman George Anthony and supported by Councilor Beatrice A. Law to adjourn.

Vote: 7 Yes, 0 No, 0 Abstained, 0 Absent

Motion carried